

CONGRATULATIONS TO BETHESDA-CHEVY CHASE MEALS ON WHEELS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mrs. MORELLA. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding work done by the Bethesda-Chevy Chase Meals on Wheels. On February 11, the organization will mark the one millionth meal delivered in more than 25 years of continuous service to those in need.

The remarkable commitment displayed by the B-CC program is best exemplified by some of the veterans who have been with the organization since its inception. Alfred Wellborn, Mary Bartels, and Ann-Marie Snyder, all have worked for, and supported, the B-CC Meals on Wheels since the beginning. They are the embodiment of perseverance and dedication.

There are many other unsung heroes of this institution. The burden of cost for deliveries rests on the shoulders of the volunteers, while the Christian Church provides office space for administrative duties. Many other area places of worship contribute by supplying volunteers and organizing routes, such as Chevy Chase Methodist Church, St. Dunstan's Church and St. John's Episcopal Church.

I salute the commitment displayed by these individuals and congratulate them heartily on their achievement. Furthermore, I join the Bethesda-Chevy Chase Meals on Wheels in their celebration of longevity and distinguished performance in service.

THE INTRODUCTION OF H.R. 3136, THE "TRADE DRESS PROTECTION ACT"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. COBLE. Mr. Speaker, I am pleased to introduce today the "Trade Dress Protection Act." This bill is intended to clarify the law with respect to the applicable legal standards for the protection of trade dress, which includes product designs and packaging.

Several years ago, Mr. Speaker, the Supreme Court, in the case *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763 (1992), held that trade dress which is inherently distinctive is protectable under federal trademark law without a showing that it has acquired secondary meaning. The Court, however, had no occasion to comment on the test that should be applied in determining whether trade dress is inherently distinctive.

Subsequent to the Court's decision in *Two Pesos*, a number of federal courts of appeals have issued conflicting and confusing opinions regarding the showing necessary to establish if trade dress is inherently distinctive. My bill is intended to provide the courts, as well as the U.S. Patent and Trademark Office, with guidance as to the relevant factors to consider in determining whether or not product designs or packaging are inherently distinctive. It has been drafted in conjunction with the Administration to make the registrability and protection

of trade dress as efficient as possible for both the applicant and the examiner.

The "Trade Dress Protection Act" addresses a number of other issues as well. Under U.S. trademark law, trade dress is not subject to protection if it is functional. However, the Trademark Act does not define the term "functional" and some courts still rely on widely discredited tests; for example, whether the trade dress in issue is an important ingredient to the commercial success of the product. My bill, Mr. Speaker, attempts to define the term "functional" in a manner consistent with prevailing case law and provides the courts and the PTO with a number of factors to consider when engaging in a functionality analysis.

The "Trade Dress Protection Act" also clarifies the law with respect to which party to a lawsuit bears the burden of proof on the issue of functionality. This issue has provoked a sharp split among the federal courts of appeals.

My bill also provides the PTO with a new statutory basis upon which it may refuse to register matter that, as a whole, is functional. The number of applications seeking registration of trade dress has increased markedly over the past few years, and my bill updates the Trademark Act to provide the PTO with the statutory tools necessary for it to carry out its mission.

Finally, my bill contains a number of technical amendments to the Trademark Act to correct drafting and other errors.

Due to the importance of the issues raised by this bill, the House Subcommittee on Courts and Intellectual Property, which I chair, will hold a hearing on the measure on February 12. My colleagues and I look forward to hearing the testimony of the scheduled witnesses and to advancing this legislation this session.

PRESIDENT LEE TENG-HUI CELEBRATES TEN YEARS IN OFFICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HINCHEY. Mr. Speaker, President Lee Teng-hui of the Republic of China assumed the office of the Presidency on January 13th, 1988, upon the sudden death of President Chiang Ching-kuo. On March 21st, 1990, Lee was elected in his own right by the National Assembly as eighth President of the Republic of China. On March 23rd, 1996, Lee won a landslide victory in the first direct presidential election in the history of China. President Lee was sworn in as the ninth President of the Republic of China on May 20, 1996.

In the past ten years, Taiwan has made remarkable progress in moving toward full-fledged democracy. Vigorous opposition parties compete in regular, fair, frequent elections, allowing Taiwan citizens an opportunity to determine the future of their nation. In fact, Taiwan has succeeded in developing full democratic representation at all levels of government throughout the island.

The right and responsibility to choose political representatives through the ballot box is guaranteed in the Republic of China Constitution. Taiwan's political leaders, from the lowest administrative officer to the highest office holder, must be accountable to the people.

The people of Taiwan will decide Taiwan's future with mainland China. The 21 million people in Taiwan have rejected the so-called "one country, two systems" approach advocated by the government on the mainland. In order for meaningful dialogue to begin between Taipei and Peking, President Lee Teng-hui has made it very clear that the two sides must first narrow the enormous differences between the standards of living and political systems.

On the matter of economic cooperation between the two sides, President Lee Teng-hui on January 7th explained Taiwan's "no haste, be patient" policy on investment in mainland China by saying that the policy is aimed at protecting Taiwan's entrepreneurs and Taiwan's overall interests.

In addition to advocating economic caution in dealings with mainland China, President Lee has repeatedly said that Taiwan, like all sovereign nations, must be given a place in the international community. Since mainland China has never stopped trying to have Taipei expelled from the world village, Taiwan must promote its "pragmatic diplomacy" more actively.

There is no question that Taiwan faces many challenges in the world. But Taiwan stands tall and firm as a beacon of freedom in the Far East. In addition, I would like to express admiration for Taiwan and President Lee Teng-hui for their skill in economic management. While other countries in Asia are suffering from plunging currency values, Taiwan has remained secure and stable.

In large measure, that is because of Taiwan's careful banking practices, and high foreign reserves. The Washington Post reports that Taiwan has been so confident of its fiscal management that it is prepared to use its vast financial resources to aid its Southeast Asian neighbors. As an indication of Taiwan's willingness to offer help to its troubled neighbors, high-level delegations, composed of government officials and business leaders, have been visiting the Philippines, Indonesia, Thailand, and Singapore.

Taiwan is a good neighbor in Asia and a responsible member of the international community.

On the occasion of President Lee's ten years in office, I wish him and his country much good fortune in the months and years ahead.

May the year of the Tiger be a good one for all my friends in Taiwan.

THE FEDERAL EMPLOYEES HEALTH CARE FREEDOM OF CHOICE ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. BURTON of Indiana, Mr. Speaker, I am pleased to join my colleague Congressman ARCHER in introducing today the Federal Employees Health Care Freedom of Choice Act. This is significant legislation because it will allow Federal employees the option to choose a Medicare savings account combined with a high deductible catastrophic policy under the Federal Employee Health Benefit [FEHB] Program. We believe that it is important that Federal employees have the same option that is

now, or will be, available to almost every other American. By offering an MSA, Federal employees and their families will have the opportunity to take control over their health care dollars by choosing their own doctors.

The FEHB Program is the largest employer-sponsored health insurance system in the country. The program is often cited by both the private and public sector as a model of efficiency and effectiveness, controlling costs through private sector competition with limited governmental intervention. Participants choose from roughly 400 competing health plans nationwide, with anywhere from 10 to 30 health plan options available in any particular area. With a fixed dollar amount contributed by the Government, Federal employees can decide which health plan best meets their specific health needs. We strongly believe that the FEHB Program can be further enhanced by allowing enrollees the opportunity to choose an MSA option.

Under our legislation, MSA's combined with a high deductible plan will be available to all FEHB Program enrollees, including active workers, dependents, and annuitants, at the beginning of 1999. The annual deductible limits are identical to those currently in law for private market MSA's: \$1,500–\$2,250 for individual coverage with an annual out-of-pocket cap on expenses of no more than \$3,000, and \$3,000–\$4,000 for family coverage with an annual out-of-pocket cap on expenses of no more than \$5,500. Contributions made to the MSA and any interest on the account will build up tax free. Distributions from MSA's are exempt from Federal income tax to the extent that the distributions are used to pay for qualified health expenses. Should the worker retire prior to age 65, he or she can continue coverage through the high deductible health insurance plan and will continue to have contributions made to his or her MSA.

I believe that there are many advantages to using MSA's. One of the most important advantages of MSA's is that it provides individuals maximum freedom of choice regarding their health care. Rather than putting the power to choose in the hands of the Government, employer, insurance company, or provider, MSA's keep the power to choose in the hands of the patient. In addition, MSA's have been shown to be cost effective. Under the current third party system consumers have little incentive to limit spending or weigh the cost-benefits of services. However, when individuals realize that the money in the MSA's belong to them, they are much more cost-conscious purchasers of health care and make much more informed judgments about their own health care needs. And, as a result of more cost-effective use of health care resources, health care costs are reduced not only for the individual, but ultimately for the Government and the taxpayers.

Over the past few years, many of us in Congress have fought hard to provide MSA's to Americans. We have succeeded in providing MSA's to both individuals in the private sector and Medicare beneficiaries. It is now time for us to turn to our Federal employees and empower them to control their own health care decisions.

Adding MSA's to the FEHB Program will expand choice to Federal workers, improve their health coverage, and reduce health care costs for Federal employees, the Government, and taxpayers. Furthermore, they will further

strengthen and improve the FEHB Program by expanding the array of choices in the program. I urge my colleagues to join us in supporting this essential legislation.

HONORING THE 75TH "DIAMOND" ANNIVERSARY OF THE CITY OF SOUTH GATE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with great pride and honor that I rise today to recognize the 75th "Diamond" Anniversary of the City of South Gate, California.

Founded on January 20, 1923, the City of South Gate is a proud community where families and industry flourish together. South Gate's successful blending of the needs of the community and industrial base provides residents with a safe community where families can prosper, industry can succeed, and diversity can thrive. Fittingly, South Gate has consistently ranked among the best cities in Southern California for its quality of life, and in 1990, won the "All America City" award from the National Civic League.

South Gate's motto, "Opportunity," is fitting for this thriving community. Throughout the city's history, it's opportunity that gave Amelia Earhart a place where she first learned to fly; it's opportunity that gave rise to the spectacular transportation and industrial base the city grows from; and it's opportunity through the city's ethnic diversity, safe communities, and positive youth outlets that allows South Gate to prosper. Whether it be religious cooperation or community volunteering, abundant parks or growing industries, South Gate has always promoted opportunity for its diverse population in order to give rise to success.

To the casual observer, South Gate is seen as a place with a strong history of support for the promotion of the "ideal community" through individual and collective opportunity. Look deeper and one sees that "opportunity" has always been a way of life for South Gate's citizens. Industries are thriving because of targeted incentives and investments in the commercial districts; residents are prospering because of the city's nationally recognized schools, parks, churches, civic groups, and recreational facilities; and the community is flourishing because of the unequalled protection provided by the police, fire, and public-works services.

Over the past 75 years, South Gate has persevered because of its innovative spirit, community vitality, and diverse population. But most importantly, South Gate has excelled because of the opportunities given to its people. I congratulate South Gate on their 75th anniversary and for being a city whose vision and character reflect the best of America.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. KIND. Mr. Speaker, we have been back in session for several days now and still no

word on campaign finance reform. With almost daily editorials and articles in newspapers across this country, how can we sit back and ignore a call to action? There may be different ideas promulgated and different reservations expressed about the problem but until those ideas and reservations are debated on the House floor, we are getting nowhere fast. The American people deserve a response to their concern.

This week the members of the House of Representatives were in town for a very light schedule. This would have been a perfect time to consider campaign finance reform. I hope that next week, with another light schedule, we may take up this important issue. The people of my district refuse to accept "no" for an answer.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BISHOP. Mr. Speaker, on Friday, February 6, 1998, the House of Representatives and the California Delegation will bid farewell to RON DELLUMS, a man who will go down in history as one of the most effective legislators ever sent to Washington. I rise today to pay tribute to this man who has served this country and this body with great distinction, valor, integrity, and honor.

He has been a faithful servant on a long journey. When he came to Congress in the early seventies, he came with a mission—to ensure civil rights and social justice for all mankind. His record speaks for itself. From leading the fight against apartheid in South Africa to providing comprehensive solutions to a myriad of problems that this country has faced over the last 27 years.

RON's presence in Congress will surely be missed. His wisdom and hard work have provided a solid foundation on which the Congress continues to build. It has been a pleasure working with him throughout the years. He has all always been fair and equitable in his approach. I am pleased that I have been able to build a lasting professional and social relationship with RON. He has given me sound advice and has provided a legacy for legislators such as myself to emulate.

He has worked tirelessly to provide the people of the Ninth District of California with a sound, reasonable, and effective voice in Washington while providing the entire country with superb statesmanship. His accomplishments are innumerable.

I would like to thank RON for his commitment, wisdom, and guidance to our great nation. His work ethic has been and will continue to be the measure by which all legislators should be judged.

As he leaves this body to pursue new interests and endeavors, I want him to know that our prayers are with him and his family. I know that God will continue to bless and keep him as he moves into yet another phase of life.